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January 22, 2020

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VIA ECF FILING

The Honorable Katharine H. Parker, U.S.M.J.
U.S. District Court
Southern District of New York
500 Pearl Street, Room 1950
New York, New York 10007

MEMO ENDORSED

**Re: Brown v. Barnes & Noble, Inc.
Civil Action No. 16-CV-07333 (RA) (KHP)**

Dear Judge Parker:

This firm represents defendant Barnes & Noble, Inc. ("Barnes & Noble") in the above-referenced case, which is set for a Settlement Conference on January 31, 2020. (ECF. No. 272). Due to a scheduling conflict, neither the Barnes & Noble corporate representative nor lead counsel (Daniel Aiken) is available on that date. Therefore, we respectfully request that the Court reschedule the Settlement Conference. We have conferred with plaintiffs' attorneys and they have informed us that they do not object to rescheduling the Settlement Conference, provided that the Court permits their clients to be available by telephone rather than requiring them to appear in person. We do not object to that request. According to plaintiffs' attorneys, they make this request because plaintiffs have made travel, work and personal arrangements to be present at the January 31 Settlement Conference and booked airfare to travel to New York City. According to plaintiffs' attorneys, plaintiffs would have difficulty appearing in New York City the following week due to other commitments, but would make themselves available as needed by telephone.

The parties have identified February 3 and 7 as dates on which they are available for a rescheduled Settlement Conference, subject to the Court's availability. Thank you for Your Honor's courtesies regarding this matter.

Respectfully submitted,

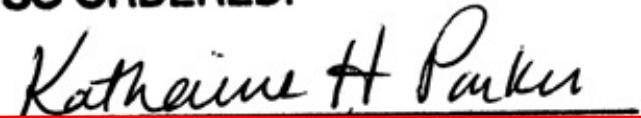
/s/ William R. Horwitz

WILLIAM R. HORWITZ

cc: Counsel of Record (via ECF)

GRANTED IN PART. In light of the fact that this conference has been scheduled for several months, the Court finds that Defendant has not provided adequate explanation for the sudden scheduling conflict. Nevertheless, it appears a Settlement Conference on the scheduled date is not possible. The settlement conference in this matter currently scheduled for Friday, January 31, 2020 at 10:00 a.m. is rescheduled to Monday, April 6, 2020 at 10:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York. Parties must attend in-person with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than March 30, 2020 by 5:00 p.m.
Defendant shall pay the costs of any charges incurred by Plaintiffs in connection with adjusting/changing travel arrangements at this late date.

SO ORDERED:



HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

01/24/2020